

SPECIAL CIVIL APPLICATION NO. 531 OF 1989

Date of decision: 15-3-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S. K. KESHOTE, J  
(15-3-1996)

Ms. Sangita Pahwa for the petitioner.  
Ms. Sejal Mandavia for respondent No.1  
Mr. J. D. Ajmera for respondents No.2 and 3.

ORAL JUDGMENT:

The matter has come up on the note submitted by the learned counsel for the petitioner for listing the case for early hearing. Looking to the nature and urgency of the case as pleaded by the petitioner's counsel, with the consent of the parties the matter is taken up for final hearing.

Heard the learned counsel for the parties.

The petitioner was appointed on the post of family health worker on temporary basis under order dated 11-5-1984 with further condition that she has to pass through the selection for the post, as and when made by the District Panchayat Service Selection Committee. The petitioner was appointed on temporary basis after local selection, that is, selection made by respondents No.2 and 3, and not by the District Panchayat Service Selection Committee. Thereafter he post of family health worker was advertised by the District Panchayat Service Selection Committee and the petitioner applied for the post. She was called for interview, but she was not selected. Her services were thereafter terminated on the ground that she has not been selected by the District Panchayat Service Selection Committee. This termination order has been challenged by the petitioner in the present writ petition.

2. Learned counsel for the petitioner contended that the petitioner was not required to pass through the selection process of the District Panchayat Service Selection Committee. I fail to see any justification in this argument of the learned counsel for the petitioner. Temporary appointment of the petitioner itself stipulated that she has to clear the selection to be made by the District Panchayat Service Selection Committee. It was a condition of appointment and she has accepted the same. It is rather unfair on the part of the petitioner to challenge that condition after she has not been able to get herself selected by the District Panchayat Service Selection Committee. Not only this, further conduct of the petitioner that she has taken the chance of selection before the District Panchayat Service Selection Committee, and only when she failed to stand in the merits and her services were terminated that she has filed the writ petition. The petition deserves to be dismissed on this ground alone, though I have considered the case on merits. Learned counsel for the petitioner has failed to point out any provision from the Panchayat Act or the rules framed thereunder that the post of family health worker was not within the purview of the District Panchayat Service Selection Committee.

3. The next contention raised by the learned counsel for the petitioner is that the criteria of interview and selection adopted by the District Panchayat Service Selection Committee is bad. I do not find any substance in this contention. Selection can be made only on the basis of interview.

4. In the result this writ petition fails and the same is dismissed. Rule discharged. No order as to costs.